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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold a public hearing on Monday, October 31, 2016, at 10:30 a.m., in the First Floor Conference Room, 100 Hancock Street, Quincy, MA relative to the emergency adoption of:

101 CMR 206.00: Standard Payments to Nursing Facilities

The amendments revise the nursing facility payment rates effective October 1, 2016. The amendments implement Section 2, Line Item 4000-0640 of Chapter 133 of the Acts of 2016 (the FY2017 budget), which authorizes additional expenditures of \$52.8 million, relative to the rates in effect on July 1, 2016, including \$35.5 million for a rate add-on related to wages, benefits and related employee costs of direct-care staff. Specifically, for the period between October 1, 2016, and June 30, 2017, and relative to the rates in effect on July 1, 2016, the amendments increase the user fee add-on by \$2.12 per day for group 1 facilities for a total user fee add-on of \$17.59 per day, and \$0.21 per day for group 2 and 3 for a total user fee add-on of \$1.76 per day, with an additional one-time add-on of \$0.71 per day for group 1 facilities and \$0.07 per day for group 2 and 3 facilities. The amendments also establish a facility-specific direct care staff add-on ranging from \$2.93 per day to \$13.47 per day, with an additional facility-specific one-time add-on ranging from \$0.99 to \$4.57 per day. The amendments also increase the capital standard for new beds from \$28.06 to \$37.60 per day, and update requirements for the publically operated facility, large Medicaid provider, and Department of Developmental Services rate add-ons. The amendments also maintain FY2017 nursing facility pay for performance program funding at \$2.8 million.

The regulation was filed as an emergency on September 30, 2016, effective for dates of service beginning October 1, 2016.

EOHHS is adopting this regulation and amendments, subject to federal approval, to implement the relevant provisions of M.G.L. c. 118E and the FY2017 budget, and to ensure that payment rates are consistent with efficiency, economy, and quality of care. It is estimated that annual aggregate state expenditures will increase by \$52.8 million as a result of the amendments, compared to the rates in effect on July 1, 2016. There is no fiscal impact on cities and towns. The amendments do not impose new costs on small businesses; the impact on small business providers will vary based on the volume of services provided.



Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify EOHHS of their intention to testify at the hearing by registering online at www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html. Individuals may also submit written testimony by e-mailing ehs-regulations@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the e-mail with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by e-mail should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Monday, October 31, 2016.

All persons desiring to review the emergency regulations may go to www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html or request a copy in writing or in person from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by e-mail at masshealthhelp@ehs.state.ma.us or by phone at 617-847-3468 (TTY: 617-847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, revised version of the emergency regulation taking into account relevant comments and any other practical alternatives that come to its attention.

October 7, 2016.